

REMARKS**I. Status of the Claims**

Claims 1-12, 20-23 and 34 are currently pending.

By this Amendment, claims 1-12, 21 and 23 have been amended, claims 13-18 and 24-33 have been canceled without prejudice or disclaimer, and claim 34 has been added. Upon entry of this Amendment, claims 1-12, 20-23 and 34 would be pending.

II. Rejections under 35 U.S.C. §102(e)

Claims 1-33 are rejected under 35 U.S.C. §102(e) as being anticipated by Ishiguro et al. (U.S. Patent No. 6,256,391). Applicant respectfully traverses the rejections for the reasons set forth below.

1. Claims 1 and 7:

Claims 1 and 7, as amended, are directed to an arrangement involving inputting data, enciphering the data, selecting whether or not to use said enciphering means or step, transmitting enciphered data in case of being selected to use, and for transmitting the input data in case of being selected not to use.

Applicant respectfully submit that Ishiguro does not disclose or suggest the claimed arrangements.

Applicant initially wishes to address the statements made by the Examiner in the Response to Argument Section (page 2) of the Office Action with respect to these claims. In particular, the Examiner states that “the Applicant argues that Ishiguro et al. does not disclose enciphering means at the communication of information”. However, this statement is simply

incorrect and mischaracterizes the arguments previously presented by the Applicant. In the prior response, Applicant argued that Ishiguro does not disclose or suggest selecting whether or not to use enciphering means at the communication of information.

The Examiner further asserts in the Response to Argument Section that: (1) Ishiguro et al. teaches means for enciphering by transmitting data from the 1394 interface of a DVD player to the personal computer; and (2) Ishiguro et al. discloses the means for processing encipherment and decipherment of data which is communicated through a 1394 bus, performed by a 1394 interface. However, these assertions still do not address the deficiencies noted by the Applicant. Ishiguro et al. merely shows that data is always enciphered by 1394 interface at transmitting the data. Moreover, Ishiguro et al. at col. 12, lines 6-11 (as relied upon by the Examiner) simply disclose that 1394 interface performs encipher and decipher process, but is silent as to not enciphering or any selection to not perform enciphering, with respect to transmitting data.

Thus, Ishiguro does not disclose or suggest at least the claimed feature of selecting whether or not to use enciphering means or step at the time of transmitting data. Accordingly, claims 1 and 7 and their dependent claims are distinguishable over the cited reference.

2. Claims 6 and 12:

Claims 6 and 12, as amended, are directed to an arrangement involving receiving data, discriminating whether the data is enciphered, and processing a predetermined error process according to the discrimination results.

Ishiguro et al. on col. 16, lines 31-45 discloses that a system monitors data which is not fully decoded (or is not decoded based on a session key), even if monitoring data which is decoded based on a time varying key for illegal copy purpose. Ishiguro et al., however, does not disclose or suggest to discriminate whether or not the received data is enciphered. That is, in Ishiguro et al., no such discrimination is performed and data which is not decoded is monitored.

Moreover, as asserted by the Examiner in the Response to Arguments section, Ishiguro et al. at col. 11, lines 60-65 discloses that an application program is authenticated by a copyright holder before transmitting data. This discriminated application program is different from data to be received or transferred and is not enciphered. That is, Ishiguro et al. is silent as to any suggestion to discriminate whether or not the received data is enciphered.

Accordingly, Ishiguro et al. does not disclose or suggest to discriminate whether or not the received data is enciphered and, in the case the data is discriminated to be enciphered, predetermined error process is performed. Thus, claims 6 and 12 are distinguishable over the cited reference.

3. Claim 21:

Claim 21, as amended, is directed to a communication apparatus with a) input means for inputting data; b) enciphering means for enciphering the data; c) discrimination means for discriminating whether an intermediate transfer device is present in a transmission path to a data destination apparatus; and d) transmission means for transmitting said enciphered data in case said discrimination means discriminates that an intermediate transfer is present, and for transmitting said input data in case said discrimination means discriminates that an intermediate transfer is not present.

Applicant initially wishes to address the statements made by the Examiner in the Response to Argument Section (pages 2-3) of the Office Action with respect to this claim. In particular, the Examiner states that “the Applicant argues that Ishiguro et al. is silent to a transfer device being present in a transmission channel or for means of enciphering”. However, this statement is simply incorrect and mischaracterizes the arguments previously presented by the Applicant. In the prior response, Applicant argued that Ishiguro does not disclose or suggest discriminating whether an intermediate transfer device is present in a transmission channel or enciphering based on such discrimination.

The Examiner further points in the Response to Argument Section of the Office Action to col. 14, lines 34-54 concerning the enciphering process of 1394 interface. However, these assertions still do not address the deficiencies noted by the Applicant. Ishiguro et al. simply does not disclose or suggest to discriminate whether or not the intermediate transfer device is present in a transmission path to a data destination device and to encipher the data in the case the intermediate transfer device is present.

Accordingly, claim 21 and its dependent claims are distinguishable over the cited reference.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

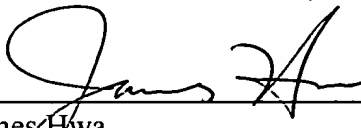
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4577. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4577. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 17, 2004

By: _____


James Hwa
Registration No. 42,680
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

C